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OEA**

**SERVICE DATE – FEBRUARY 14, 2014**

**SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423**

**ENVIRONMENTAL ASSESSMENT**

**STB Docket No. AB 303 (Sub-No. 43X)**

**Wisconsin Central Ltd. – Abandonment Exemption –  
In Barron County, WI**

**BACKGROUND**

In this proceeding, the Wisconsin Central Ltd. (“WCL”) filed a petition under 49 C.F.R. § 10502 seeking exemption from the prior approval requirements of 49 U.S.C. § 10903 to abandon an 0.80 mile rail line in Rice Lake, Barron County, Wis. (the line). The line consists of a single-track, stub-ended rail segment that connects with WCL’s mainline at milepost 55.2 and ends at milepost 56.0. A map depicting the line is appended to this Environmental Assessment (EA).

WCL previously leased the line to Progressive Rail Inc. (PGR). On July 5, 2012, WCL and PGR filed a joint petition of exemption under 49 U.S.C. § 10502 from the prior approval requirements of 49 U.S.C. § 10903 to discontinue rail service on the line in AB 1101 (Sub-No. X). The Board approved the exemption on October 3, 2012.

The line is located in an urban area just south of Red Cedar River and west of several lakes. There are no bridges along the line. The line right-of-way ranges between 50 and 177 feet in width but is generally 100 feet wide. WCL indicates that the line does not contain federally granted rights-of-way. According to WCL, two parcels underlying the line are patents received from the State of Wisconsin. If the notice becomes effective, WCL would be able to salvage track, ties, and other railroad appurtenances and to dispose of the right-of-way.

**ENVIRONMENTAL REVIEW**

WCL submitted an environmental report that concludes the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. WCL served the environmental report on a number of appropriate federal, state, and local agencies as required by the Surface Transportation Board’s (Board) environmental rules [49 C.F.R. § 1105.7(b)].<sup>1</sup> The

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<sup>1</sup> The Environmental and Historic Reports are available for viewing on the Board’s website at [www.stb.dot.gov](http://www.stb.dot.gov) by going to “E-Library,” selecting “Filings,” and then conducting a search for AB 303 (Sub-No. 43X).

Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

### ***Diversion of Traffic***

WCL states that there has been no service on the line for two years and there is no reasonable prospect for future use of the line. PGR, who previously leased the line from WCL, has stated that there was no traffic on the line from November 20, 2011 to December 1, 2012, or nearly a year prior to the Board's approval to discontinue service on the line. Accordingly, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

### ***Salvage Activities***

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and re-grading of the right-of-way. Salvage may be performed within the right-of-way, or, if necessary, via construction of new access points to the right-of-way. WCL states that it intends to leave the rail bed and subgrade of the line in place. However, WCL intends to salvage the tracks, ties, and other track material. WCL states that it is currently working with the Wisconsin Department of Natural Resources (WisDNR) regarding converting the line into a trail.<sup>2</sup>

The Wisconsin Department of Transportation (WisDOT) provided the following comments regarding the proposed abandonment. WisDOT requests that WCL comply with its salvage policies and procedures. WisDOT advises that during salvage, any surveying and mapping equipment should be protected. WCL must also remove rail, ties, and ballast at state highways crossings and would need to obtain a WisDOT permit prior to doing so. And during this process, WCL would be responsible for traffic management. Any salvage activities would need to be coordinated with the WisDOT Regional Maintenance section. Finally, WisDOT remarks that it encourages preservation of the line for future transportation needs consistent with existing land use plans. To address its concerns, OEA recommends a condition requiring WCL to consult with WisDOT prior to the onset of salvage operations.

The U.S. Environmental Protection Agency (EPA) in Washington, D.C. received notice of the abandonment and advises WCL to contact the EPA Region 5 office in Chicago, IL regarding potential environmental impacts of the proposed abandonment.

The Saint Paul District of the U.S. Army Corps of Engineers (Corps) has provided

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<sup>2</sup> The Board previously approved abandonment of the line immediately north of the proposed abandonment in AB 303 (Sub-No. 12X). The line is no longer in use and the track was removed. Most of that line was subsequently converted into a trail aside from a small section immediately north of milepost 56.0.

comments regarding the proposed abandonment. In its comments, the Corps states that salvage activities associated with the proposed abandonment would not affect any existing Corps Civil Works projects. However, it advises WCL to contact Mr. Daniel Seemon of the Corps Saint Paul Regulatory Office concerning any permits that may be required prior to the onset of any salvage activities. To address its concerns, OEA recommends a condition that WCL consult with the Corps prior to initiating salvage operations to determine if a Corps permit is needed.

The State of Wisconsin Department of Natural Resources (WisDNR) provided comprehensive comments regarding the proposed abandonment. WisDNR indicates that the proposed abandonment area is not within a 100 year floodplain, does not include wetlands, and is not within a Coastal Zone. WisDNR states that project area does not contain state listed endangered species or critical habitat nor State Parks or Forests. However, it advises WCL to contact the U.S. Fish and Wildlife Service (FWS) regarding the presence of federal listed species or critical habitat. WCL has contacted the FWS regarding the above but has not received a response. In addition, WisDNR cautions that the area of the proposed abandonment passes through or is adjacent to an area of contaminated soils. OEA therefore recommends a condition to address its concerns regarding any contaminated soils that may be located in the right-of-way of the proposed abandonment.

The National Geodetic Survey (NGS) commented that there are no geodetic station markers within the right-of-way of the proposed abandonment. OEA has therefore determined that no further consultation with NGS is necessary.

OEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. Noise associated with salvage activities would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

OEA has not yet received responses from several federal, state and local agencies regarding potential environmental impacts from the proposed abandonment. OEA is therefore sending a copy of this EA to those agencies for review and comment.

## **HISTORIC REVIEW**

WCL submitted an historic report as required by the Board's environmental rules [49 C.F.R. § 1105.8(a)] and served the report on the Wisconsin Historical Society (State Historic Preservation Office or SHPO) pursuant to 49 C.F.R. § 1105.8(c). In response, the SHPO provided comments indicating that no historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register) would be affected within the right-of-way (the Area of Potential Effects, or APE) of the proposed abandonment.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.4(d)(1), OEA has determined that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 C.F.R. § 800.11(d), consists of the railroad's historic report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public through posting on the Board's website at <http://www.stb.dot.gov> (search

under Docket No. AB 303 (Sub-No. 43X)).

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the Native American Consultation Database to identify federally-recognized tribes that may have current or ancestral connections to the project area.<sup>3</sup> The database listed no tribes.

## **CONDITIONS**

We recommend that the following conditions be imposed on any decision granting abandonment authority:

1. Prior to commencement of any salvage activities, Wisconsin Central Ltd. shall consult with the Saint Paul Regulatory Office of the U.S. Army Corps of Engineers (Corps) and comply with any reasonable requirements of the Corps.
2. Prior to commencement of any salvage activities, Wisconsin Central Ltd. shall consult with the Wisconsin Department of Natural Resources to ensure that its concerns are addressed regarding the possible presence of contaminated soils in the area of the proposed abandonment.
3. Prior to commencement of any salvage activities, Wisconsin Central Ltd. shall consult with the Wisconsin Department of Transportation (WisDOT) regarding the protection of surveying and mapping equipment during salvage; safety and salvage operations conducted at the intersection of state highways; and WisDOT salvage procedures and requirements.

## **CONCLUSIONS**

Based on the information provided from all sources to date, OEA concludes that, as currently proposed and if the recommended mitigation is imposed, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

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<sup>3</sup> Native American Consultation Database, <http://grants.cr.nps.gov/nacd/index.cfm> (last visited February 4, 2014).

## **PUBLIC USE**

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite 4-part showing for imposition of a public use condition (49 C.F.R. § 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

## **TRAILS USE**

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 C.F.R. § 1152.29). OEA notes that WisDNR has filed a petition for a NITU with the Board.

## **PUBLIC ASSISTANCE**

The Board's Office of Public Assistance, Governmental Affairs, and Compliance (OPAGAC) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPAGAC directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

## **COMMENTS**

If you wish to file comments regarding this Environmental Assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Catherine Nadals, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's web site, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the "E-FILING" link. **Please refer to Docket No. AB 303 (Sub-No. 43X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Catherine Nadals, the environmental contact for this case, by phone at (202) 245-0293, fax at (202) 245-0454, or e-mail at [nadalsc@stb.dot.gov](mailto:nadalsc@stb.dot.gov).

Date made available to the public: February 14, 2014.

**Comment due date: March 17, 2014.**

By the Board, Victoria Rutson, Director, Office of Environmental Analysis.

Attachment